

REMARKS

Claims 1-8, 12-21 and new claims 22-24 are pending. The support for the amendments to the claims in the originally filed specification is as follows: Claim 1: (claims 4-6, page 6, line 1 to 2 from the bottom); Claim 2: (claims 1, 4-6, page 6); Claim 3: (claims 1, 4-6, page 6, line 3 from the bottom, and claims 1 and 9); Claims 4-8 and 15-21: (deletions); and new Claim 22: (claim 6); Claim 23: (claim 7); and Claim 24: (claim 8). No new matter has been added.

Claims 1-8 and 10-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, page 2)

Claims 1-8 and 12-21 have been amended to add referenced formulae and to remove unnecessary formulae. Claims 10 and 11 have been canceled. The rejection is now moot.

Claims 1-6, 8, 10-19 and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2001-40354. (Office Action, page 3)

As will be shown by an explanation and summary of the chemical differences and additional data provided in an attached Declaration, the invention as now claimed is neither anticipated nor obvious.

The rejection notes the composition on page 72 of JP 2001-040354 (below, abbreviated as JP'354). The components and contents of the components contained in the composition (103) on page 72 of JP'354 are summarized in the following Table 2, while corresponding to the general formula used in the present invention. The contents of compounds contained in claims 1-3, which all add to 100%, are summarized in attached Table 1.

Table 2: Comparative table between the composition (103) of JP'354 and the present invention

| Composition (103) on page 72 of JP'354 | | General formula corresponding to the compounds of the composition (103) |
|--|-----------------------|---|
| Compounds contained | Content (% by weight) | |
| compound (1-0301) | 5 | general formula (IIC) |
| compound (1-0302) | 10 | general formula (IA) |
| compound (1-0303) | 5 | general formula (IIC) |
| compound (1-0304) | 10 | not applicable |
| compound (1-0305) | 10 | general formula (IIB) |
| compound (1-0306) | 10 | not applicable |
| compound (1-0307) | 5 | not applicable |
| compound (1-0308) | 5 | not applicable |
| compound (1-0309) | 15 | general formula (III) |
| compound (1-0310) | 10 | general formula (III) |
| compound (1-0311) | 5 | general formula (III) |
| compound (1-0312) | 5 | general formula (III) |
| compound (1-0313) | 5 | not applicable |

It is clear from Tables 1 and 2 that there significant chemical differences between the composition (103) of JP'354 and the claimed composition. For example, the composition of claims 1 to 3 has essential feature 7 noted in Table 1; however, the composition (103) of JP'354 does not have essential feature 7. In other words, the ***content of at least one compound*** selected from (IA), (IA-1), (IA-3), (IB), (IB-1), (IB-3), (IIA), (IIA-1), (IIA-3), (IIA-5), (IIB), (IIB-1), (IIB-3), (IIB-5), (IIC), (IIC-3), (IIC-7), (IIC-9), (IIC-10) and (IID) is in a ***range from 35 to 80% by mass*** in the composition of claims 1 to 3; ***however, the total content of the compounds (1-0301), (1-0302), and (1-0305) in JP'354 is only 30% by weight.***

Thus, the composition of the claimed invention is ***chemically distinct*** over JP'354.

In addition, the composition of Comparative Example 2 of the instant specification does not have essential feature 7. The properties of the composition of Comparative Example 2 are disclosed in Table 1 of the instant specification. It is clear from Table 1 of the present

description that the absolute value of the dielectric constant anisotropy is considerably small and the viscosity is high in the composition of Comparative Example 2. In contrast, the composition of Examples 1 to 3 having essential feature 7, for example, has a large absolute value of the dielectric constant anisotropy, and a small viscosity.

Furthermore, in order to show the composition of claims 1 to 3 has essential feature 7 and the composition of the present invention has unique effects which are not obtained by the composition (103) of JP'354, additional comparative experiments 1 to 3 were conducted and the results are described in the enclosed Declaration.

As shown in the enclosed Declaration, it is clear that the present invention has unique effects which are not obtained by JP'354. Therefore, the claimed invention is not *prima facie* obvious in light of the cited art.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

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Table 1 (1 page)
Declaration (6 pages)

Respectfully submitted,

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